

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

BRODERICK TERRIAL FEW,

Defendant-Appellant.

UNPUBLISHED

April 20, 2001

No. 220264

Oakland Circuit Court

LC No. 98-162498-FH

Before: Talbot, P.J., and Sawyer and F. L. Borchard*, JJ.

MEMORANDUM.

Defendant appeals as of right his bench trial conviction for possession with intent to deliver less than 50 grams of cocaine, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

On appeal, defendant argues that the trial court's finding that he had the intent to deliver the thirty-three rocks of cocaine found in his possession was clearly erroneous. This finding was properly supported by the testimony of the expert witness police officer.

MRE 702 governs the admissibility of expert testimony. There must be facts in evidence that require or are subject to examination and analysis by a competent expert, and there must be knowledge in the area that belongs more to an expert than an ordinary person. *People v Ray*, 191 Mich App 706, 707; 479 NW2d 1 (1991). The critical inquiry is whether the testimony will aid the factfinder in making the ultimate decision in the case. *Id.* Expert opinion will not be excluded simply because it embraces an ultimate issue to be decided by the trier of fact. *Id.*

Drug-related law enforcement is a recognized area of expertise. *People v Williams (After Remand)*, 198 Mich App 537, 542; 499 NW2d 404 (1993). A police officer may be qualified by his training and expertise to testify on how quantities, packaging, and related items establish a defendant's intent at the time he possessed the drugs. *Id.*

* Circuit judge, sitting on the Court of Appeals by assignment.

Defendant argues that he is entitled to a new trial because the trial court's findings are clearly erroneous. The findings were properly based on the admitted expert testimony. The court relied on appropriate evidence to establish defendant's intent.

Affirmed.

/s/ Michael J. Talbot

/s/ David H. Sawyer

/s/ Fred L. Borchard